

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	
	:	
JAMIE IPPOLITI, LPN	:	AMENDED
License # 26NP06601100	:	FINAL ORDER
	:	OF DISCIPLINE
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Jamie L. Ippoliti ("Respondent") is a Licensed Practical Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about May 28, 2013, Respondent completed and submitted an online biennial renewal application. Respondent was asked on the biennial renewal application whether Respondent

would have "completed the required continuing education credits by May 31, 2013," referring to the biennial renewal period of June 1, 2011 to May 31, 2013. Respondent answered "Yes" and certified that answer by submitting the online application.

3. Upon receipt of information indicating that Respondent was arrested on August 22, 2013 by the Atlantic County Sheriff's Office for violation of N.J.S.A. 2C:34-1(b) (1) (Engage in Prostitution), the Board sent a letter of inquiry requesting certain information and documents regarding the criminal matter, Respondent's nursing practice, and continuing education to Respondent's address of record in Atlantic City, New Jersey, via regular and certified mail on or about September 18, 2013. The regular mailing was not returned. The certified mailing was returned as "unclaimed."

4. Respondent did not reply to the Board's request for information.

5. The Board received information indicating that on May 16, 2014, Respondent was found guilty in the Egg Harbor Township Municipal Court of an amended charge of violating N.J.S.A. 2C:33-2(a)(1) (Improper Behavior) and assessed five hundred and eight dollars (\$508) in fines and costs.

6. On or about May 20, 2015, Respondent completed and submitted an online biennial renewal application. Respondent

was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2015," referring to the biennial renewal period of June 1, 2013 to May 31, 2015. Respondent answered "Yes" and certified that answer by submitting the online application.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

By virtue of having failed to respond to the letter of inquiry, Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the

biennial period of June 1, 2011 to May 31, 2013. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process in falsifying her continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

DISCUSSION

A Provisional Order of Discipline (POD) was filed on July 16, 2015 based upon Respondent's failure to cooperate with a Board investigation regarding her August 2013 arrest for engaging in prostitution and failure to complete and provide documentation of continuing education. The POD sought a reprimand, \$500 civil penalty, \$250 civil penalty, and a suspension until Respondent provides a complete response to the Board's letter of inquiry and demonstrates completion of all required continuing education to date.

The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions

should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent initially replied to the POD by providing a partial response to the Board's letter of inquiry. She first provided a copy of the municipal court disposition, a narrative of the conduct which led to her arrest, a performance evaluation dated 2/12/15, and proof of completion of the following continuing education:

0 hours within June 1, 2011 - May 31, 2013;
24 hours within June 1, 2013 - May 31, 2015; and
0 hours within June 1, 2015 - May 31, 2017.

However, Respondent failed to provide the municipal court complaint/accusation/indictment, police report with supporting statements, name and address of employer, job title, dates of employment, shift, type of unit worked, and proof of 30 hours of continuing education for each of the two previous biennial periods. Respondent was advised of the shortcomings of her submission via letter and indicated in a telephone conversation with the Board's attorney that she would submit the remaining documentation. Additional time was granted, but no further submission was received. Unbeknownst to the Board, Respondent had faxed in the further documentation. In hindsight, it appears as if the faxed information was misdirected, lost, or

never forwarded to the appropriate personnel for handling. Without seeing Respondent's supplemental response to the POD, the Board determined that Respondent's initial response did not warrant modification of the POD and a Final Order of Discipline was filed on March 22, 2016 suspending Respondent's license until she provides all the information requested by the Board and until she demonstrates that she is up-to-date with her continuing education requirements. The Final Order of Discipline also imposed civil penalties and a reprimand for failure to cooperate with a Board investigation, failing to timely complete continuing education, and providing a false answer on her renewal regarding continuing education.

Subsequent to the filing of the Final Order of Discipline, Respondent provided proof, in the form of fax transmission confirmations, showing that she had submitted the supplemental response as she had indicated she would do and that she should not have been suspended. Respondent also re-sent her supplemental response. Respondent's supplemental response included the arrest report, all the requested information about her nursing employment, and proof of completion of the following continuing education:

- 8.5 hours within June 1, 2011 - May 31, 2013;
- At least 30 hours within June 1, 2013 - May 31, 2015; and
- At least 30 hours within June 1, 2015 - May 31, 2017.

Respondent may apply 21.5 of the hours recently completed to cure the deficiency of the June 1, 2011 - May 31, 2013 biennial period. However, those same hours may not also be applied to satisfy the requirements of the current biennial period. Respondent shall ensure that she has 30 separate hours of continuing education to satisfy the requirements of the current biennial period.

The Board reviewed Respondent's submissions and determined that the Final Order of Discipline required amendment in that the suspension of Respondent's license was an error. Having now seen Respondent's supplemental response, along with her initial response, the Board has determined that suspension was not warranted. However, the Board determined that Respondent's failure to fully respond to the original inquiry, thereby necessitating the filing of the Provisional Order of Discipline, and review of Respondent's subsequent replies months later, warrants imposition of a five hundred dollar (\$500) civil penalty. Additionally, Respondent failed to timely complete 30 hours of required continuing education within the June 1, 2011 - May 31, 2013 biennial period. As such a two hundred and fifty dollar (\$250) civil penalty is warranted, as is a reprimand for her answer on the renewal application whereby she certified that

she had completed the required continuing education and has not demonstrated, to the satisfaction of the Board, that she did so.

ACCORDINGLY, IT IS on this ^{5th} 5 day of April, 2016,
ORDERED that:

1. This Amended Final Order of Discipline supersedes the Final Order of Discipline filed on March 22, 2016 and the Final Order of Discipline filed on March 22, 2016 is hereby vacated and considered null and void. The suspension of Respondent's license was in error and is deemed to never have been imposed.

2. A reprimand is imposed on Respondent for misrepresenting the continuing education information on her license renewal application.

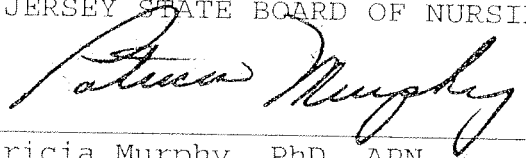
3. Respondent is assessed a civil penalty in the amount of seven hundred and fifty dollars (\$750). Said penalty is an aggregate penalty, which includes a penalty in the amount of five hundred dollars (\$500) for failure to cooperate with a Board investigation and a penalty in the amount of two hundred and fifty dollars (\$250) for failing to timely complete required continuing education. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to State Board of Nursing, Attention: Leslie Burgos, P.O. Box 45010, Newark, New Jersey

07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this Amended Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

4. The continuing education hours taken after May 31, 2015 and applied to cure the deficiencies from previous biennial periods shall not also be used to satisfy the requirements of the current biennial period.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Murphy, PhD, APN
Board President